



General Assembly

January Session, 2003

***Raised Bill No. 6431***

LCO No. 2979

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING JURY DUTY.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2003*) Any matter involving the  
2       failure of a person to appear for jury service as provided in section 51-  
3       237 of the general statutes, as amended by this act, may be heard by a  
4       magistrate. A magistrate appointed to hear such matter in a  
5       proceeding under said section shall not be bound by the rules  
6       regarding the admissibility of evidence and shall not be required to  
7       keep a record of such proceeding, but all testimony in such proceeding  
8       shall be given under oath or affirmation. Either party to such  
9       proceeding may be represented by counsel. The magistrate may  
10      impose the civil penalty authorized by section 51-237 of the general  
11      statutes, as amended by this act, remit the civil penalty in whole or in  
12      part or dismiss the proceeding.

13      Sec. 2. Section 51-193l of the general statutes is repealed and the  
14      following is substituted in lieu thereof (*Effective October 1, 2003*):

15      The Chief Court Administrator shall make such orders and rules as  
16      he deems necessary to provide for the appointment of magistrates to

17 hear and decide cases pursuant to the provisions of sections 51-193t  
18 and 51-193u and section 1 of this act. Any commissioner of the  
19 Superior Court, admitted to practice in this state for at least five years,  
20 who is able and willing to hear such cases designated in accordance  
21 with sections 51-193t and 51-193u and section 1 of this act may be  
22 appointed as a magistrate. Any probate judge who is a commissioner  
23 of the Superior Court admitted to practice in this state for at least five  
24 years may submit [his] such probate judge's name to the Probate Court  
25 Administrator, who shall submit a list of such names to the Office of  
26 the Chief Court Administrator for approval to be placed on a list of  
27 available magistrates for one or more judicial districts.

28 Sec. 3. Subsection (a) of section 51-197a of the general statutes is  
29 repealed and the following is substituted in lieu thereof (*Effective*  
30 *October 1, 2003*):

31 (a) Appeals from final judgments or actions of the Superior Court  
32 shall be taken to the Appellate Court in accordance with section 51-  
33 197c, except for small claims matters and matters involving the failure  
34 of a person to appear for jury service as provided in section 51-237, as  
35 amended by this act, which are not appealable, appeals within the  
36 jurisdiction of the Supreme Court as provided for in section 51-199,  
37 appeals as provided for in sections 8-8 and 8-9, and except as  
38 otherwise provided by statute.

39 Sec. 4. Subsection (a) of section 51-219a of the general statutes is  
40 repealed and the following is substituted in lieu thereof (*Effective*  
41 *October 1, 2003*):

42 (a) The Jury Administrator, who is appointed in accordance with  
43 section 51-10 and subject to supervision by the Chief Court  
44 Administrator, shall be responsible for qualifying, summoning,  
45 selecting, managing and utilizing jurors in the Superior Court and for  
46 pursuing civil enforcement proceedings in matters involving the  
47 failure of a person to appear for jury service as provided in section 51-  
48 237, as amended by this act.

49       Sec. 5. Subsection (b) of section 51-232 of the general statutes is  
50 repealed and the following is substituted in lieu thereof (*Effective*  
51 *October 1, 2003*):

52       (b) Such summons or notice shall also state the fact that a juror has a  
53 right to one postponement of the juror's term of juror service for not  
54 more than ten months and may contain any other information and  
55 instructions deemed appropriate by the Jury Administrator. If the date  
56 to which the juror has postponed jury service is improper, unavailable  
57 or inconvenient for the court, the Jury Administrator shall assign a  
58 date of service which, if possible, is reasonably close to the  
59 postponement date selected by the juror. Such notice or summons shall  
60 be made available to any party or the attorney for such party in an  
61 action to be tried to a jury. The Jury Administrator may grant  
62 additional postponements within or beyond said ten months but not  
63 beyond one year from the original summons date, except that such  
64 one-year limitation does not apply in matters involving the failure of a  
65 person to appear for jury service as provided in section 51-237, as  
66 amended by this act.

67       Sec. 6. Section 51-237 of the general statutes is repealed and the  
68 following is substituted in lieu thereof (*Effective October 1, 2003*):

69       (a) Each juror, duly chosen, drawn and summoned, who fails to  
70 appear [shall have committed an infraction, but the court may excuse  
71 him from the payment thereof. If a sufficient number of the jurors  
72 summoned do not appear, or if for any cause there is not a sufficient  
73 number of jurors to make up the panel, the court may order such  
74 number of persons who qualify for jury service under section 51-217 to  
75 be summoned as may be necessary, as talesmen, and any talesman so  
76 summoned who makes default of appearance without sufficient cause  
77 shall have committed an infraction] for jury service and fails to provide  
78 the Jury Administrator with proof of a valid disqualification under  
79 section 51-217 shall be notified, by first class mail, that the juror must  
80 contact the Jury Administrator not later than twenty-one days from the

81 date of such notice to either provide proof to the Jury Administrator of  
82 a valid disqualification or agree to appear for jury service within sixty  
83 days from the date of such notice.

84 (b) If a sufficient number of the jurors summoned do not appear, or  
85 if for any cause there is not a sufficient number of jurors to make up  
86 the panel, the court may order such number of persons who qualify for  
87 jury service under section 51-217 to be summoned as may be  
88 necessary, as talesmen, and any talesman so summoned who makes  
89 default of appearance without sufficient cause shall be subject to the  
90 procedures for the failure to appear for jury service as provided in this  
91 section.

92 (c) If a juror fails to provide the Jury Administrator with satisfactory  
93 proof of a valid disqualification or fails to agree to appear for jury  
94 service within the time periods specified in subsection (a) of this  
95 section, the Jury Administrator may, in accordance with policies and  
96 procedures established by the Chief Court Administrator, issue a  
97 summons and complaint and an answer form to be served on such  
98 juror, by first class mail or in the same manner in which a summons is  
99 served in a civil action, notifying such juror to appear at a hearing  
100 before a magistrate in the judicial district in which the juror was  
101 summoned for jury service. The juror shall complete the answer form  
102 and file it with the Jury Administrator not later than fifteen days from  
103 the date of the summons and complaint. At such hearing, the juror and  
104 the Jury Administrator, or the Jury Administrator's designee, shall  
105 have an opportunity to be heard concerning the juror's failure to  
106 appear for jury service and there shall be an irrebuttable presumption  
107 that the juror was duly chosen, drawn and summoned. If the  
108 magistrate finds that the juror (1) failed to appear for jury service, and  
109 (2) has not provided satisfactory proof of a valid disqualification or  
110 failed to appear at such hearing, the magistrate shall impose a civil  
111 penalty in accordance with section 1 of this act in the amount of two  
112 hundred dollars, payable to the clerk of the Superior Court. The  
113 magistrate shall affirm the action of the Jury Administrator with

114 respect to such juror unless the magistrate finds that substantial rights  
 115 of the juror have been prejudiced because the action of the Jury  
 116 Administrator is: (A) In violation of constitutional or statutory  
 117 provisions; (B) in excess of the statutory authority of the Jury  
 118 Administrator; or (C) arbitrary or capricious or characterized by abuse  
 119 of discretion. If the magistrate finds such prejudice, the matter shall be  
 120 dismissed.

121 (d) If a juror fails to pay a civil penalty imposed pursuant to  
 122 subsection (c) of this section not later than thirty days from its  
 123 imposition, the Jury Administrator may refer the matter to the  
 124 Department of Administrative Services for collection as a delinquent  
 125 account.

126 (e) Any findings or decisions rendered by a magistrate pursuant to  
 127 this section are final and conclusive.

128 Sec. 7. Section 52-215 of the general statutes is repealed and the  
 129 following is substituted in lieu thereof (*Effective October 1, 2003*):

130 In the Superior Court, a docket shall be kept of all cases. In such  
 131 docket immediately following the names of the parties and their  
 132 attorneys in all jury cases shall be entered the word "jury". The  
 133 following-named classes of cases shall be entered in the docket as jury  
 134 cases upon the written request of either party made to the clerk within  
 135 thirty days after the return day: (1) Appeals from probate involving the  
 136 validity of a will or paper purporting to be such; [,] (2) appeals from  
 137 the actions of commissioners on insolvent estates; [, and,] and (3)  
 138 except as [hereinafter] provided in this section, civil actions involving  
 139 such an issue of fact as, prior to January 1, 1880, would not present a  
 140 question properly cognizable in equity. [, except that there] There shall  
 141 be no right to trial by jury in civil actions in which the amount, legal  
 142 interest or property in demand does not exceed two hundred fifty  
 143 dollars, [or in a] in summary process [case] cases or in matters  
 144 involving the failure of a person to appear for jury service as provided  
 145 in section 51-237, as amended by this act. When, in any of [the above-

146 named] such classes of cases, an issue of fact is joined, the case may,  
 147 within ten days after such issue of fact is joined, be entered in the  
 148 docket as a jury case upon the request of either party made to the clerk,  
 149 [; and any] Any such case may at any time be entered in the docket as a  
 150 jury case by the clerk [,] upon written consent of all parties or by order  
 151 of court. All issues of fact in any such case shall be tried by the jury,  
 152 provided the issues agreed by the parties to be tried by the court may  
 153 be so tried. All cases not entered in the docket as jury cases under the  
 154 [foregoing] provisions of this section, including actions in which an  
 155 account is demanded and judgment rendered that the defendant shall  
 156 account, writs of habeas corpus and ne exeat, complaints for  
 157 dissolution of marriage and all other special statutory proceedings  
 158 which, prior to January 1, 1880, were not triable by jury, shall be  
 159 entered on the docket as court cases [,] and shall, with all issues of law  
 160 and issues of fact, other than those [hereinbefore specified,] specified  
 161 in this section which may be joined in actions entered on the docket as  
 162 jury cases, be disposed of as court cases.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>

***Statement of Purpose:***

To create a civil penalty for failure to respond or appear when summoned for jury duty.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*